

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION**

**CARL MCMILLIAN**

**PETITIONER**

**V.**

**NO. 4:21-CV-27-DMB-JMV**

**UNITED STATES OF AMERICA**

**RESPONDENT**

**ORDER**

On or about February 5, 2021, Carl McMillian filed a document which the Court construed as a petition for a writ of habeas corpus. *See* Docs. #1, #3. Approximately six weeks later, McMillian filed a motion to proceed in forma pauperis. Doc. #5. However, the section of the motion to provide McMillian's inmate account information is not completed.<sup>1</sup> *Id.* at PageID 10. On April 13, 2021, McMillian was ordered to "either pay the filing fee of \$5.00 or submit a proper request to proceed *in forma pauperis*" within 30 days, and was warned that "failure to comply ... may lead to the dismissal of his petition." Doc. #9. A copy of such order and an application were mailed to McMillian but returned as undeliverable. Doc. #10. Because, to date, McMillian has neither paid the filing fee nor returned a completed copy of the proper form, and has also failed to inform the Court of his correct address,<sup>2</sup> this habeas action is **DISMISSED without prejudice** pursuant to Federal Rule of Civil Procedure 41(b) for McMillian's failure to prosecute and failure to comply with a court order.

**SO ORDERED**, this 3rd day of December, 2021.

/s/Debra M. Brown  
**UNITED STATES DISTRICT JUDGE**

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<sup>1</sup> In a separate declaration, McMillian represents that the officials at his facility refused to assist him in completing the application or obtaining forms to pay the filing fee. Doc. #6.

<sup>2</sup> At the outset of this litigation, McMillian was advised that "failure to keep this court advised of [his] current address ... could result in the dismissal of [his] case." Doc. #2.